

WP MB. No. 145 of 2003

Hon. Irshad Husain, J.

Hon. M.M. Ghildiyal, J

Heard learned counsel for the petitioner.

The petitioner has come with the allegations that despite the stay order granted by the Court in writ petition no. 18 of 2003, whereby the facility of installment was given of the petitioner to pay the amount of loan due from him, had been arrested after the passing of the order on 02.01.2003. For this tortuous act, the petitioner claims damages and also sought quashing of the recovery proceedings. There is nothing to indicate that the petitioner has shown the stay order to the concerned authorities and it is evident that there was citation to appear and pay the amount due, but the petitioner appears to have not complied with the citation and therefore there appears to be no cogent ground to accept the contention that the arrest was illegally made. The petitioner himself has sought the indulgence of the Court for getting the facility of the installment of the amount of loan and in view thereof, he could not have sought the quashing of the recovery proceedings by way of another writ petition. Considering these aspects, we do not propose to entertain this petition and the same is dismissed accordingly.

(Irshad Husain, J.)

(M.M. Ghildiyal, J)

05.03.2003/ B.